

REMARKS

Claims 1, 6-9 and 14-16 have been rejected under 35 USC 102(b) as anticipated by Swale. The rejection is respectfully traversed.

The present invention discloses call charging information made available to a called subscriber. The call charge information is determined in a first local telecommunication exchange, which is assigned to the calling subscriber, and then the call charge information is transferred to the second telecommunication exchange assigned to the called subscriber. Hence, the call charge information is available during the call and can be used, for example, if the called subscriber bears the call costs. Advantageously, Advice of Charge (AoC) and Subscriber Credit Limit Supervision (SCLS), which are based on the call charge information, can be used for the called subscriber.

Swale discloses a method for flexible charging of telecommunication services. The Examiner refers to col. 5, ln. 28 to col. 6, ln. 40 (and Figs. 2 and 3) as disclosing claims 1 and 9. However, a careful review of the reference reveals at this section shows a calling subscriber and a called subscriber connected to the same exchange (local call). Hence, a transfer of call charge information is not necessary since the call charge information is already available for the called subscriber. The claimed invention, on the other hand, requires "call charges arising from the telecommunication link are determined in the first telecommunication exchange and corresponding call charge information is sent as messages to the second telecommunication exchange." Moreover, in col. 6, lns. 22-40, the calling subscriber and the called subscriber are connected to two different exchanges, but the call charge information transferred from one exchange to the other, after some interaction between calling and called subscriber, is not suited for real-time usage on the called subscriber's side. Rather, Swale teaches that information such as number, charge band and timing details are transferred and a Call Detail Record (CDR) is created by the exchange assigned to the called party. The claimed invention, on the other hand, is "configured for use in real time." It is well known to the skilled artisan that CDRs are data records (holding date and time of the call, call duration, number of calling party, dialed number, etc.), which are processed by a billing-system.

They describe the usage of telecommunication services, but they do not provide data such as tariff or determined charge which are used as real-time charging features such as AoC or SCLS.

Since the recited structure and method are not disclosed by the applied prior art, claims 1 and 9 are believed patentable.

Claims 6 and 14, depending from claims 1 and 9, respectively, are similarly patentable. These claims are also patentable independent of claims 1 and 9 for the following reasons. There is no disclosure in Swale of call charge information used in real time. Rather, Swale only discloses the creation of a new CDR with calling and called number transposed.

Claims 7 and 15, depending from claims 1 and 9, respectively, are similarly patentable. These claims are also patentable independent of claims 1 and 9 for the following reasons. There is no disclosure in Swale of charge information sent determines a threshold value.

Claims 8 and 16, depending from claims 1 and 9, respectively, are similarly patentable. These claims are also patentable independent of claims 1 and 9 for the following reasons. Swale discloses that an analogue display screen interface or other mechanism may be used to communicate charge variation alerts, requests and acknowledgements. In the claimed invention, on the other hand, the call charge information is displayed to the called subscriber during the call on the called subscriber's terminal.

Claims 2-3 and 10-11 have been rejected under 35 USC 103(a) as unpatentable over Swale in view of Lampola. The rejection is respectfully traversed for the reasons presented in the arguments above, and for the following reasons.

Swale does not disclose the use of APM ISUP message for transferring call charge information from the first to the second telecommunication exchange, as required by the claimed invention. Rather, simply a signal containing information for the CDR is mentioned (col. 6, ln. 33-35). This signal is sent to the second exchange after call set-up and interaction of the calling and called subscriber.

Lampola discloses APP parameters can be sent with call set-up from the first to the second exchange in ISUP signaling. However, Lampola does not disclose APP parameters used for transferring call charge information from a first telecommunication exchange to a second telecommunication exchange during call set-up.

Hence, the applied references (either alone or in combination) fail to disclose the claimed invention. Claims 2-3 and 10-11 are therefore patentable independent from the claims from which they depend.

Claims 4-5 and 12-13 have been rejected under 35 USC 103(a) as unpatentable over Swale in view of Lampola, further in view of Fabritius. The rejection is respectfully traversed for the reasons presented in the arguments above, and for the following reasons.

As indicated by the Examiner, Lampola fails to disclose APP parameters having an application-dependent part that includes information on call charge information. However, contrary to the Examiner's statements, Fabritius also fails to disclose this feature. Rather, Fabritius discloses that APP to APM can be used to send charge information from one entity (e.g. exchange) to another (e.g. SSP), but uses these parameters (e.g. ReqCI) to retrieve further charging information from a charge determination point. Hence, there is no reasons why one having ordinary skill would have been motivated to combine the references.

Claims 4-5 and 12-13 are therefore patentable independent from the claims from which they depend.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.449122020600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 4, 2004

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